

**Remarks/Arguments:**

Claims 1-11 are pending in the application and are rejected. No claims have been amended.

Applicant's representatives would like to thank the Examiner for the time spent on the telephone interview of February 19, 2009. During the telephone interview, Applicant's representatives argued the differences between claim 1 and the Shi reference. In response, the Examiner stated that he will review the Shi reference more closely when the formal response is filed.

On page 2, the Official Action rejects claims 1-3 and 5-11 under 35 U.S.C. §103(a) as being unpatentable over Ellis (U.S. Publication No. 2004/0103434) in view of Numano (U.S. Patent No. 6,763,400) and Shi (U.S. Patent No. 6,920,090). It is respectfully submitted, however, that the claims are patentable over the art of record for at least the reasons set forth below.

Applicant's invention, as recited by claim 1, includes a feature which was neither disclosed nor suggested by the art of record, namely:

**... at the time when power ON operation is carried out, in the case (1) when said disk start mode setting means sets said disk start disabling mode, said disk start control means carries out control so as to apply power to said processing section without applying power to said disk section ...**

Claim 1 relates to disabling the power to the disk drive (disk section) while maintaining power to a processor (processing section) that controls the disk drive. Support for this feature can be at least found in Applicant's Fig. 6 where the hard disk 12 is cut off from the power supply by open switch 33 and processing section 17 is connected to the power supply by closed switch 34. No new matter has been added.

In Fig. 1, Shi teaches an optical disk drive 160 (Applicant's disk section) that is shared between an optical disk player 150 (Applicant's processing section) and a personal computer 170. This feature is also reported in Shi's abstract ("*the personal computer and optical disk player share the use of an optical disk drive*"). Shi suggests an example where the personal computer 170 takes control of optical disk drive 160. In this example, power is not applied to

the optical disk player 150 (Applicant's processing section) by power control unit 140. This is found in at least Col. 3, lines 45-55 and Col. 5, lines 1-12 of Shi ("*the power control unit 140 cuts off power to the device linked to an optical disk drive 160, such as an optical disk player 150, when control of the optical disk drive 160 is replaced by another device, such as personal computer 170 ... since the optical disk player 150 cannot operate due to a disconnection from the optical disk drive 160, power to the optical disk player 150 is cut off*"). Thus, Shi teaches the opposite of Applicant's claim 1. Shi suggests cutting off power to the optical disk player 150 (Applicant's processing section), whereas Applicant's claim 1 suggests cutting off power to optical disk drive 160. There is no situation disclosed in Shi where the disk drive is disconnected from power while power is applied to the processing section.

Applicant's invention as recited by claim 1 includes a case where power to the processing section is applied whereas power to the hard disk is not applied ("*at the time when power ON operation is carried out, in the case (1) when said disk start mode setting means sets said disk start disabling mode, said disk start control means carries out control so as to apply power to said processing section without applying power to said disk section*"). Applicant's invention as recited by claim 1 can be at least found in Fig. 6 which shows an example of case (1) where power supply 31 applies power to processing section 17 via closed switch 34. Furthermore, power supply 31 is cut off from hard disk 12 via open switch 33 (power is applied to processing section but not to the hard disk). This feature is also supported in Applicant's specification on page 24 ("*switch 33 is in the non-conduction state, and the switch 34 is in the conduction state. In other words, electric power is not supplied to the hard disk 12, but electric power is supplied to the processing section 17*").

Shi's system, on the other hand, cannot turn off power to the optical disk drive 160, because power control unit 140 in Fig. 1 of Shi only controls the optical disk player 150. Thus, the power to the optical disk drive 160 which is equivalent to Applicant's hard disk 12 is always on. Thus, Shi's system is the opposite of Applicant's Fig. 6. Accordingly, for the reasons set forth above, claim 1 is patentable over the art of record.

Claim 9 has similar features to claim 1. Thus, claim 9 is also patentable over the art of record for at least the reasons set forth above.

Claims 2-8 include all of the features of claim 1 from which they depend. Thus, claims 2-8 are also patentable over the art of record for the reasons set forth above.

Claims 10 and 11 include all of the features of claim 9 from which they depend. Thus, claims 10 and 11 are also patentable over the art of record for at least the reasons set forth above.

Neither Ellis, Numano, Shi, Lee nor their combination suggest Applicant's case 1 as recited in claim 1. Thus, the combination of these references is also deficient.

In view of the arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

  

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